



# 4TH NATIONAL MOOT COURT COMPETITION, 2024

#1styearmoot

**05 - 07** APRIL, 2024

Marwadi University, Rajkot-Morbi Highway, Rajkot,  
Gujarat, Pincode - 360 003

*Organised by*  
**FACULTY OF LAW,**  
Marwadi University



## ABOUT UNIVERSITY

Marwadi University was established under the Gujarat Universities Act (Act 9 of 2016) on 9th May 2016. Marwadi University is a prominent University in Western India with a Global Vision. It engages with people and Institutions across the globe in the quest to promote cultural understanding and encouraging the next generation of world leaders.

Marwadi Education Foundation's Group of Institutions is a home to 14000 students from 53 countries enrolled in 32+ diversified programmes in Science, Commerce, Humanities and Law. Spread across 52+ acres of campus, we have more than 500+ educators, including 110+ PhD degree holders. Marwadi University has received more than 12 awards and recognitions for its quality of education, organic infrastructure, academic excellence, and leadership.

The university promotes a three-layered learning structure. With this, the university lays a foundation of knowledge and skills leading to their overall development. A due emphasis is laid not only on the academic growth of students but also on their holistic development. The University received the award of Centre of Excellence in 2021 by Govt. of Gujarat and is also awarded with NAAC A+ grade in 2023.

## ABOUT FACULTY OF LAW MARWADI UNIVERSITY

"FACULTY OF LAW, MARWADI UNIVERSITY" is poised to create the finest legal professionals in the country. With the support of profound academicians, superlative top management, and industry contacts with lawyers and corporates, the team is confident of making a mark in this prestigious profession. The prime objective of the Faculty of Law is to provide dedicated educational facilities to the students while transforming them into the lawmakers and leaders of tomorrow. The Faculty of Law has also received two prestigious ERASMUS PLUS projects from the European Union worth more than 1 crore.

It has also signed MoUs with Hue University Malaysia , IIT Chicago Kent College of Law, Luiss Libera Universita, Italy, National University of Public Service (Hungary), American University of Puerto Rico, Global Academy of Law-Tech Education and Research (GALTER) for faculty transfer, student transfer, joint research projects, and summer and winter schools. Forbes India Legal Power list 2020 has listed Faculty of Law, MU as one of the top law schools. Furthermore, the Knowledge Review magazine has named the Faculty of Law, Marwadi University as one of the Top 10 Leading Law Institutes in India.





## MESSAGE FROM THE HON'BLE PRESIDENT **SHRI KETANBHAI MARWADI**

Marwadi University is wholeheartedly dedicated to realizing its mission of nurturing intellectual giants through diverse academic avenues. Mindful of this commitment, we are actively engaged in implementing substantial innovations in the educational journey of students nationwide.

The evaluation of knowledge transcends traditional classroom boundaries; it involves a continuous process of self-discovery and practical application. Given these distinctive characteristics and demands, our institution consistently strives to shape the legal acumen of students throughout the nation. This endeavour is driven by the recognition of experimental learning, and one such experimental learning is moot court competition.

With the success of the 3rd National Moot Court Competition 2023, it is an honour to declare another edition which will be more enhancing and more challenging; The Faculty of Law, Marwadi University gladly invites you to participate in the 4th National Moot Court Competition from 5th April to 7th April 2024.

I wish all participants the best of luck!



## MESSAGE FROM THE HON'BLE VICE PRESIDENT AND CO-FOUNDER **SHRI JITUBHAI CHANDARANA**

Thriving and distinguishing oneself in today's fast-paced world demands a distinctive skill set—a blend of focus, conceptualization, and a deep connection to the contemporary landscape.

Within the Faculty of Law, we are dedicated to nurturing not just legal professionals but the finest legal minds in the nation. Our commitment stems from the firm belief that our graduates will not only excel but also leave an indelible mark on the legal landscape. This confidence is grounded in the support of exceptional academicians, a stellar top management team, and robust industry connections with legal experts and corporate entities.

This year marks a momentous occasion as we proudly announce the 4th National Moot Competition. It serves as a dynamic forum, inviting participation from students across various law institutions and universities. More than a competitive event, it is a unique opportunity for participants to deeply engage with the essence of legal education, honing their skills in a practical and real-world context.

Thus, it brings us immense joy to extend a heartfelt invitation to you for the upcoming moot court competition.



## MESSAGE FROM THE PRO VICE-CHANCELLOR

### **PROF. (DR) RAJENDRASINH B JADEJA**

In the academic tapestry of our university, the Moot Court Competition stands as a beacon of excellence and a cornerstone of legal education. This transformative event transcends the traditional boundaries of classrooms, offering students a unique and invaluable opportunity to apply theoretical knowledge in a practical, courtroom setting. We proudly announce the commencement of the 4th edition of our flagship event, the National Moot Court Competition.

The moot court is not just a simulation; it is a journey into the core of jurisprudence, where theoretical knowledge meets the real world application in a courtroom setting. The National Moot Court Competition, now in its fourth year, has evolved into a platform that not only tests the mettle of our participants but also serves as a crucible for the development of essential skills that transcend the classroom. This event is an opportunity for each participant to showcase their legal acumen, research prowess, and advocacy skills.

It has been correctly stated that "In the moot court, students don't just present cases; they present a commitment to justice, a dedication to the principles that underpin our legal system."

At the end do Embrace the challenges, relish the intellectual debates, and forge connections that will last a lifetime. Remember, the skills you hone here will serve as the foundation for a successful legal profession.

Wishing all participants a stimulating and rewarding experience throughout the National Moot Court Competition. May this occasion be a venturing stone towards a future where your lawful commitments shape the course of equity.

Let the arguments be eloquent, the debates profound, and the experience unforgettable!



## MESSAGE FROM THE DEAN

### **DR RHISHIKESH DAVE**

“Law is all about being a versatile athlete and for that the approach should always be pragmatic. We at Marwadi University ensure that the student should not lose its versatility and athleticism in the legal realm”.

At the heart of the Faculty of Law's mission lies the commitment to equipping students with specialized educational resources, fostering their development into the legislators and leaders of tomorrow. Our approach goes beyond traditional education; it's a holistic preparation that equips students with the cognitive tools to navigate the complexities of the legal world. The collaborative efforts of our faculty, management, and industry partners create an environment where the synthesis of knowledge and practical application thrives, ensuring our graduates emerge not just as legal experts but as trailblazers poised to shape the future of the legal profession. Therefore, we are delighted to announce another edition of the National Moot Court competition, yet again with more enthusiasm and with more grandeur.

The legal battlefield anticipates your presence, we know that your participation would undoubtedly add value and contribute to the vibrancy of this exciting event.

# ABOUT

## 4<sup>TH</sup> NATIONAL MOOT COURT COMPETITION

We at the Faculty of Law, Marwadi University are committed to a show of cooperative and collective resilience. Hence, after the successful completion of the three editions of National Moot Court Competition, we have planned to organize the 4th National Moot Court Competition to provide an environment where aspiring lawyers can enhance their legal proficiencies and moot skills with a unique concept. Keeping our uniqueness, the participation will be restricted to 1st year bonafide law students enrolled in the 5-year integrated programme and 3 years LLB programme with the aim to inspire, promote and inculcate drafting & writing techniques, orating skills, and high focus research acumen in 1st year law students. The competition strives to give a platform to the budding lawyers of our country to imbibe analytical skills in real-time situations. Our main aim is to give a chance to the students to learn the complexities evolving around law and regulations.

### MOOT PROPOSITION

Mr Kurian was a resident of Surat in the State of Gujarat. He was forty-eight years old when he passed away, and the three other members of his family were his 40-year-old unemployed wife, her ten-year-old daughter, and his five-year-old son. At the time of his death, Mr Kurian was a government official receiving an enviable annual salary.

Mr Kurian had hydrocephalus as well as Type II Chiari abnormalities. On August 31, 2023, he visited Dr Chandra, Senior Consultant, Star Hospital's Department of Neurosurgery, regarding this matter. Dr Chandra suggested that he be admitted to the same hospital so that Dr Chandra could do the surgery onsite. On September 10, 2023, Mr Kurian entered the Star Hospital on Dr Chandra's recommendation. After performing pre-operative medical examinations, Dr Chandra and his team conducted the operation on Mr Kurian on 12.09.2023. Mr Kurian was thereafter shifted to a private room at about 01:00 pm. At 03:00 pm, the doctors visiting Mr Kurian were informed about the pain in the neck region, which seemed to have transferred downward lower than the location where the pain used to occur before the operation. Even after the request of shifting Mr Kurian to ICU, he was still kept in private room where he made several complaints about severe pain, Mr Kurian's wife reported to the hospital staff about the same. After 04:30 PM, Mr Kurian received an intravenous pain medication, but his discomfort and intense sweating episodes persisted. At about 07:00 PM Mr Kurian started suffering from severe unbearable pain. Mr Kurian's wife called Dr Chandra on his residential phone but he was not available, meanwhile Mr Kurian suffered major heart attack and was declared brain dead on 13.09.2023 and subsequently, he died.

The deceased's wife first approached the National Consumer Dispute Redressal Commission (NCDRC) by filing a complaint. The complaint alleges that after being moved into a private room, her husband did not receive any care from a neurosurgical team member until he had a heart attack. After undergoing such extensive surgery, the deceased ought to have been sent to the Intensive Care Unit (ICU) rather than being placed in a private room. However, her complaint was rejected by the National Consumer Forum on 15.11.2023. The present appeal is directed to the Supreme Court of India against the order given by the NCDRC.

#### The Following Issues were framed in the above mentioned case:

- Whether the Star Hospital and doctor have committed negligence by failing to provide necessary postoperative medical treatment to Mr Kurian.
- Whether the Commission (NCDRC) has committed any illegality while rejecting the complaint filed by the deceased's wife.

#### Note

- This case is based on medical negligence and the doctrine of Res Ipsa Locutor and the applicable laws in the above moot proposition are the Law of Torts, Consumer Protection Act, 2019 and the Constitution of India, 1950.



# RULE BOOK

## Rules and Regulations

The Organising Committee of the 4th National Moot Court Competition will have exclusive authority to interpret the rules in the interest of just and fair competition. The definitions placed below by the Organising Committee shall be final and the decision of the Organising Committee regarding the applicability of these rules will be final. These rules may be called the rules for the 4th National Moot Court Competition, 2024.

## Definitions

### **BENCH**

refers to the members duly invited by the institute, to adjudge any of the rounds, collectively.

### **CLARIFICATIONS**

means any questions, queries, or doubts sent by the registered teams to the organisers, within the given deadline.

### **COMPETITION**

means the 4th Marwadi University National Moot Court Competition, 2024.

### **SPEAKER**

refers to a participant who presents oral arguments in any given round.

### **PENALTY**

refers to the deductions imposed on the memorandum scores of a participating institution.

### **PARTICIPATING TEAM**

means the team which has registered itself for the competition as per the rules for registration.

### **PARTICIPATING INSTITUTION**

shall be presumed to be the institution of the participating teams.

### **MOOT PROBLEM**

means a set of facts published by the institution for moot court competition.

### **REBUTTALS**

refer to those arguments /questions that the Complainant may raise at the end of the main pleadings of all the Orators.

### **SUB-REBUTTALS**

refers to the defence presented by the Respondent to the rebuttals.

### **ORGANISER**

means Marwadi University, Faculty of Law, NMCC, FoL, MU

### **ORGANISING COMMITTEE**

means the Moot Court Committee (MCC), FoL, MU

### **COURT ROOM**

shall refer to the courtrooms where the oral rounds will take place.

### **SCOUTING**

means a person observing the Oral Rounds of a team other than the team such person is associated with.

### **TEAM CODE**

refers to the code allocated to a participating institution by the organizing committee after completion of the Registration.

# KEY DATE

01-01-2024	Commencement of registration
10-03-2024	Last date for registration
15-03-2024	Last Date to Seek Clarification if any
18-03-2024	Publication of Clarification
22-03-2024	Last Date for Submission of Soft Copy of the Memorial
29-03-2024	Last Date for Submission of Hard Copy of the Memorial
05-04-2024	Inaugural Ceremony & Orientation
05-04-2024	Draw of Lots and Researchers Test
06-04-2024	Preliminary Rounds
06-04-2024	Quarter Final Rounds
06-04-2024	Social Night
07-04-2024	Semi-Final Rounds
07-04-2024	Final Rounds
07-04-2024	Valedictory Ceremony

# LANGUAGE

The Official Language of the Competition is English only.

# ELIGIBILITY

- 1st- year law student enrolled in 3 Years LLB programme or 5 Years integrated programme from any college/institution/university recognized by BCI across the country.
- Only one team shall be allowed from One College/Institution/University.
- No faculty members, coach, or a designated observer will be allowed to join the team during the competition.



## TEAM COMPOSITION

- The team shall comprise of either two members (being designated as Speakers and one of the speakers shall be designated as Researcher) OR three members (two of them shall be designated as Speakers and one of them shall be designated as Researcher).
- No team will be allowed to substitute any of its members after a team has submitted its registration form, except with the permission of the organisers.

## REGISTRATION PROCEDURE

- Online registrations are open from 01-01-2024. The teams must register online by 10-03-2024.
- The registration shall be done by filling up the registration form available on our official website.
- The registration shall be considered complete only when the 'Registration Fee' has been paid successfully and the registration form is duly filled with all the credentials.
- The participants will receive a confirmation mail from organising committee carrying the team code and accommodation details latest by 12-03-2024 or earlier. The teams shall quote this team code in all further communications with the organising committee.
- The registration fee for the competition is INR 5000 (including accommodation and food for three days of the competition only). Registration fee once paid is non-refundable.

## MEMORIAL SUBMISSION

- All memorials submitted for all purposes of the Competition shall firmly comply with the rules of the competition. Each participating team must prepare two written submissions, one for each Petitioner/Applicant(s) as well as Respondent(s) side.
- Petitioner/Applicant(s) memorials are required to have a blue cover and Respondent(s) memorials are required to have red cover. Soft copies of memorials must be submitted in both .pdf and .doc/.docx format latest by 08-03-2024 on the official website. Late submission shall be penalised, 1 mark a day, and no memorial shall be accepted after two days from the specified date.
- 6 hard copies of the memorial from each side should be sent to the Organisers at the address provided on the front page on or before 15-03-2024.
- The memorial shall be uploaded on the official portal created during the registration. The organising committee will not be responsible for any delay and default.

## CLARIFICATION AND CORRECTION

- The teams may request for correction and clarification regarding the moot proposition as per the date given in the Key Dates, i.e., 04-03-2024. Such requests shall be sent at folnmcc@marwadieducation.edu.in only, with the subject "SEEKING CLARIFICATION IN COMPROMI - TEAM CODE". No other mode of communication will be taken into consideration.

# MEMORIAL CONTENT

The memorial must contain the following pages only:

- Cover Page – The cover page shall contain the Case Title, Side of the Memorial, Year of the Competition, Name of the Court, and Team Code on the top right corner
- Table of Contents
- Index of Authorities
- Statement of Jurisdiction
- Statement of Facts
- Issues Raised
- Summary of Arguments
- Pleadings / Arguments Advanced (20 pages max)
- Prayer

# GUIDELINES FOR MEMO FORMATTING

The following content specifications must be strictly followed:

The memorial shall be typed on an A4 size page and all the pages of the memorial should have a page number at the bottom.

- Font and Size (General) – **Times New Roman, 12 pts.**
- Line Spacing (General) – **1.5 lines.**
- Font and Size (Footnotes) – **Times New Roman, 10 pts.**
- Line Spacing (Footnotes) – **Single lines.**
- Page Margins – **1 inch on all sides.**
- All the Citations and Footnotes must be in compliance with the 20th Bluebook Citation.

# MEMORIAL SUBMISSION

Plagiarism in any manner is strictly prohibited and if any participating team found to be indulging in same shall be disqualified from the competition. The decision of the organising committee regarding plagiarism would be final and binding on all participants.

# ANONYMITY OF TEAMS

- Teams shall not reveal their identity in any form, except by means of the Team Code allotted to them during the Competition.
- The Written Submissions shall not reveal the identity of the team in any form and should not bear the logo, name, etc. of the University represented.
- Any violation of the above rules shall attract severe penalty or disqualification as determined by the organising committee. The decision of the organising committee in this regard shall be final and binding on the participating team.

# WRITTEN SUBMISSION EVALUATION CRITERIA

MARKING CRITERIA	MARKS
PROPER AND ARTICULATE ANALYSIS	20
KNOWLEDGE OF LAW AND FACTS	10
EXTENT OF LEGAL RESEARCH	10
GRAMMAR AND STYLE	5
FORMAT AND CITATION	5
TOTAL	50

# ORAL PLEADINGS EVALUATION CRITERIA

MARKING CRITERIA	MARKS
APPLICATION OF LAW TO FACTS	10
USE OF AUTHORITIES	10
RESPONSIVENESS TO QUESTIONS	10
COURT MANNERISM AND TIME MANAGEMENT	10
EFFECTIVE REBUTTALS AND SUB REBUTTALS	5
ADEQUACY	5
TOTAL	50

# REGULATIONS REGARDING ORAL PLEADINGS

## GENERAL INFORMATION

- The competition shall consist of Preliminary Rounds, Quarter-Final Rounds, Semi-Final Rounds, and the Final Round.
- In the event of any discrepancies, the Organisers retain the right to disqualify teams.
- The Organisers will resolve any contingencies that may arise and will be the final arbiters regarding any doubts/grievances. The decision taken by the Organisers shall be final.
- Participants shall be in advocate's attire throughout the conduct of the Competition.
- If a team scheduled to take part in a round does not appear for 10 minutes after the scheduled start of the round, a walkover shall be declared in favor of the team present.

## PRELIMINARY ROUNDS

- The rounds shall be conducted physically at the specified venue.
- Each team shall argue once from the side allotted to them through the Draw of Lots, which shall be notified to the teams one day prior to the round.
- Each team shall strictly get a total time of 30 minutes to present their case. This time will include rebuttal and sur-rebuttal time [if permitted by the judge(s)]. The time distribution per speaker is left at the discretion of the teams subject to a minimum of 10 minutes per speaker and no more than 15 minutes per speaker. Rebuttals can be allocated a time of a maximum of 5 minutes.
- At the beginning of the preliminary rounds, the teams shall specify the time distribution for their rebuttals of each speaker to the moderator. The rebuttal round proceeding shall be initiated once the moderator informs the team about the commencement of the time limit.
- Strict adherence to court manners shall be observed by all the participants.

# QUARTER-FINAL ROUNDS

- The top 8 teams with the highest score in the Preliminary Rounds shall proceed to the Quarter-Finals. The match-up of teams in Quarter-Final Rounds shall be determined on the basis of draw of lots.
- In case of a tie in scores calculated, the team with the higher score in the Written Submission (Memorials) shall proceed to this round.
- Each team shall strictly get a total time of 30 minutes to argue, which will include rebuttal and sur-rebuttal time [if permitted by the judge(s)].
- Extension of time may be permissible at the discretion of judges. At the beginning of the Quarter-Final Rounds the teams shall specify the time distribution for each speaker and rebuttal to the moderator.
- The rebuttal round proceeding shall be initiated once the moderator informs the team about the commencement of the time limit.
- Strict adherence to court manners shall be observed by all the participants.

# SEMI FINAL ROUNDS

- The Top 4 teams of the Quarter-Final Rounds shall be qualified for the Semi-Final Rounds. The match-up of teams in Semi-Final Rounds shall be decided on the basis of the draw of lots.
- Each team shall get a total time of 45 minutes to argue, which will include rebuttal and sub-rebuttal time [if permitted by the judge(s)]. The division of time per speaker is left to the discretion of the teams.
- A time-extension for a maximum of 2 minutes may be granted to each team at the discretion of the Judge.
- Strict adherence to court manners shall be observed by all the participants.

# FINAL ROUNDS

- The top two teams from the Semi-Final Rounds shall qualify for the Final Round.
- Each team shall get a total time of 60 minutes which will include rebuttal and sub-rebuttal time [if permitted by the judge(s)].
- The division of time per speaker is left to the discretion of the teams. A time-extension for a maximum of 5 minutes may be granted to each team at the discretion of the Judge.
- Strict adherence to court manners shall be observed by all the participants.



# NMCC, FOL GLIMPSES



# NMCC 2023

# NATIONAL MOOT COURT COMMITTEE, 2024

## FACULTY OF LAW, MARWADI UNIVERSITY



**DR RAHUL J  
NIKAM**  
Faculty Convener



**MR AVIRAL  
THAKRE**  
Faculty Co-Convener



**MS DIVYANSHI  
SHRIVASTAVA**  
Faculty Co-Convener



**MS RIDDHI  
SINGHAL**  
Faculty Co-Convener



**MR KAMODVARDHAN**  
Convener, HoD of Communication



**MR ABHINAV SINGH**  
Co-Convener, HoD of Public Relation



**MR BIVEK DAS**  
HoD of IT & Design



**MR DHRUV VANJARA**  
HoD of Sponsorship



**MR PARAS ADESARA**  
HoD of Hospitality



**MR ANKIT KUMAR**  
HoD of Treasury

### CONTACT DETAILS

For any further assistance with respect to the Competition, you may contact

MR KAMODVARDHAN  
**9929847743**

MR ABHINAV SINGH  
**9369062985**

You may in the alternative,  
To Register Click on



or

Email : [folnmcc@marwadieducation.edu.in](mailto:folnmcc@marwadieducation.edu.in)